

From: [Chaudhary, Dimple](#)
To: [Payne, James \(Jim\)](#); tirwin@CLF.org; [Hoffer, Melissa](#)
Cc: [Bradley Campbell](#); [Dierker, Carl](#); [Neugeboren, Steven](#)
Subject: RE: Exigent Issue / Follow-up
Date: Wednesday, April 07, 2021 10:08:27 PM
Attachments: [image001.png](#)
[image002.png](#)
[image004.png](#)

Brad – As Jim mentioned, I'll be assisting with this issue for the Office of General Counsel.

I wanted to clarify that EPA has not yet made a decision on the permit and we'll likely be filing a motion with the EAB for a further stay soon.

Jim and I are available to meet as you requested, and I'll ask Lila Razor, our support specialist, to be in touch about scheduling.

Thanks,
Dimple

From: Payne, James (Jim) <payne.james@epa.gov>
Sent: Wednesday, April 7, 2021 11:30 AM
To: tirwin@CLF.org; [Hoffer, Melissa <Hoffer.Melissa@epa.gov>](mailto:Hoffer.Melissa@epa.gov); Chaudhary, Dimple <Chaudhary.Dimple@epa.gov>
Cc: [Bradley Campbell <bcampbell@clf.org>](mailto:bcampbell@clf.org); [Dierker, Carl <Dierker.Carl@epa.gov>](mailto:Dierker.Carl@epa.gov); [Neugeboren, Steven <Neugeboren.Steven@epa.gov>](mailto:Neugeboren.Steven@epa.gov)
Subject: RE: Exigent Issue / Follow-up

Adding Deputy General Counsel Dimple Chaudhary, 202-440-1468, as I understand she is overseeing this matter as to OGC.

From: Tom Irwin <tirwin@clf.org>
Sent: Wednesday, April 7, 2021 10:49 AM
To: [Hoffer, Melissa <Hoffer.Melissa@epa.gov>](mailto:Hoffer.Melissa@epa.gov)
Cc: [Payne, James \(Jim\) <payne.james@epa.gov>](mailto:payne.james@epa.gov); [Bradley Campbell <bcampbell@clf.org>](mailto:bcampbell@clf.org)
Subject: RE: Exigent Issue / Follow-up

Hi Melissa,

I hope this finds you well, and enjoying your new post. Many congratulations on that!

Following up on the prior exchanges, and most recently Brad's letter waiving the conflict of interest, Brad and I are hoping we might find a time to meet briefly with you and James by phone. We'd likely ask Reed Super to join us as well.

Please let us know if there's a time within the next several days when you'd be available to meet.

All best,
Tom

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From: Hoffer, Melissa <Hoffer.Melissa@epa.gov>
Sent: Monday, March 29, 2021 2:19 PM
To: Bradley Campbell <bcampbell@clf.org>
Cc: Tom Irwin <tirwin@clf.org>; Payne, James (Jim) <payne.james@epa.gov>
Subject: Re: Exigent Issue / Follow-up

CAUTION: Email from outside CLF.

Hi Brad and Tom,

As Tom may recall, I worked extensively on the Merrimack NPDES while I was employed by CLF. Having reviewed the applicable NH ethical requirements, I am conflicted from this matter absent a waiver from CLF.

In the interest of time, I have copied here my colleague Jim Payne would can follow up with you directly.

Thanks,
Melissa

Sent from my iPhone

On Mar 25, 2021, at 3:09 PM, Bradley Campbell <bcampbell@clf.org> wrote:

Dear Melissa:

Congratulations on your new post — what a godsend for environmental protection.
And thank you for your timely response to my call.

You probably have some recollection of Merrimack Station in New Hampshire, one of the two coal plants left in New England. Merrimack still uses once-through cooling, and late in the Obama Administration Region 1 issued a draft permit that would have required cooling towers to avert the significant harm the plant's discharges are causing to the Merrimack River and its living resources. The cost of the towers is almost certainly prohibitive for continued operation of the plant.

EPA staff have indicated that Region I has apparently made the decision *not* to revisit/revise the Trump EPA's decision in the Merrimack Station NPDES permit to not require cooling towers (though it's considering a minor amendment related to leachate). Notably, Eversource divested the plant while the Obama draft permit was pending, so EPA's retreat from cooling tower requirement would essentially create a windfall with the new owner at the expense of the river and its living resources. **We have been told the final permit will issue soon.**

I think it would be unfortunate if the Biden Administration were to retreat from the position struck by the Obama EPA and give new life to this coal plant, and I'd hate to have our first advocacy concerning a Biden Administration permit decision be at all negative .

We would love to make the case to you or the appropriate EPA official that the anticipated decision to adopt the Trump Administration's position on cooling towers would be arbitrary, capricious, and contrary to law. Feel free to call me for TOM for additional information.

[N.B. CLF and Sierra Club have a pending Clean Water Act citizen suit (EPA is not a party) to address the plant's violations of its current permit]

Brad

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